

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOHN ALLEN TUTOR,

Case No. 1:12-cv-1549-TC

Plaintiff,

ORDER

v.

OREGON DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

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Aiken, Chief Judge:

Plaintiff filed suit under 42 U.S.C. § 1983, alleging that defendants violated his constitutional rights by denying him earned "good time" credits. Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned case on November 21, 2012. Magistrate Judge Coffin recommends that defendants' motion to dismiss be granted and plaintiff's claims dismissed for failure to state a claim for which relief may be granted. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Plaintiff timely filed objections to the Findings and Recommendation. Upon de novo review, I find no error in Magistrate Judge Coffin's analysis. Plaintiff fails to establish that he is eligible for or entitled to good time credits under Oregon statutes.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 20) filed November 21, 2012 is ADOPTED, defendants' Motion to Dismiss (doc. 14) is GRANTED, and this case is DISMISSED. The Clerk is directed to enter judgment in accordance with this Order.

IT IS SO ORDERED.

Dated this 3rd day of January, 2013.



Ann Aiken  
United States District Judge